

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Barney Joe Wiggins,)	C/A No.: 1:17-1086-RBH-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Warden of Kirkland Correctional)	
Institution,)	
)	
Respondent.)	
)	

Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondent filed a motion for summary judgment on October 16, 2017. [ECF No. 15]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion and of the need for him to file an adequate response by November 16, 2017. [ECF No. 15]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion.¹ As such, it appears to the court that he does not oppose the motion. Based on the foregoing, the undersigned orders Petitioner to advise the court as to whether he wishes to continue with this case and to file

¹ Plaintiff submitted a letter filed October 16, 2017 [ECF No. 18], indicating he had not received any information about this case. The court noted that Plaintiff had not updated his address, but sent Plaintiff a copy of Respondent's motion and the Roseboro order to the address on the envelope of Plaintiff's letter. [ECF No. 19].

a response to Respondent's motion for summary judgment by December 5, 2017. Petitioner is further advised that if he fails to respond, the undersigned will recommend this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



November 21, 2017
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge